

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of	)	CA 03-13
	)	
GROUP 70 INTERNATIONAL, INC.	)	
and James I. Nishimoto,	)	
	)	
Respondents.	)	
_____	)	

CONCILIATION AGREEMENT

On or around December 2001, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, Group 70 International, Inc. ("Group"). Officers for Group include:

James I. Nishimoto	President
Hitoshi Hida	Vice-President/Secretary/Treasurer
Roy H. Nihei	Vice-President
Ralph E. Portmore	Vice-President
Norman G.Y. Hong	Vice-President
Sheryl B. Beaman	Vice-President
Stephen H. Yuen	Vice-President
Linda C. Miki	Vice-President

Group is registered with the Business Registration Division as doing business as architects, planners and interior designer, whose business address is 925 Bethel Street, 5<sup>th</sup> Floor, Honolulu, Hawaii. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Group and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.
- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
  1. On or around December 2001, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Jeremy Harris campaign committee ("Harris"), initiated an investigation involving violations of the campaign spending statute.
  2. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the

candidate's committee in an aggregate amount greater than \$4,000 during an election period.

3. Section 11-204(h), HRS reads in part as follows:...an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
4. The Commission finds that Group and officers made contributions to various candidates during the 1996 to 2001 period in excess of \$55,000.
5. The Commission finds that Group and officers made contributions to the Harris campaign during the 1996 to 2001 period in the amount of \$37,500.
6. The Commission finds that for the 1996 to 2000 election period Group and officers made the following contributions:

Group	12/98	\$2,700
Group	9/00	\$ 500
Roy H. Nihei	12/96	\$2,000
Stephen H. Yuen	12/96	\$2,000
Ralph e. Portmore	12/98	\$ 650
Sheryl B Seaman	12/98	\$ 650
Hitoshi Hida	1/00	\$4,000
Roy H. Nihei	1/00	\$1,000
Ralph E. Portmore	1/00	\$1,000
Stephen H. Yuen	1/00	\$2,000
James I. Nishimoto	1/00	\$2,000

7. The Commission finds that for the 2002 election period Group, officers and family members made the following contributions:

Roy H. Nihei	8/01	\$2,000
Stephen H. Yuen	9/02	\$2,000
Ralph E. Portmore	9/01	\$3,000
Gail K.Y. Nishimoto	9/01	\$2,000

James I. Nishimoto	9/01	\$2,000
Linda L. (Miki) Chung	10/01	\$2,000
Hitoshi Hida	10/01	\$2,000
Kathleen Hida	10/01	\$2,000
Roy H. Nihei	10/01	\$2,000

8. Group did file disclosure reports pursuant to sections 11-212 and 11-213, HRS.

#### VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #03-13, Group understands and agrees to the following:

- (A) Group agrees to an assessment of **Two Thousand Dollars (\$2,000)** pursuant to section 11-228, HRS.
- (B) The Commission alleges that Group made excess contributions to Harris for the 2000 election period.
- (C) The Commission alleges that Group made excess contributions to Harris for the 2002 election period.
- (D) Group agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.
- (E) Terms of payment of the assessment shall be by Order of the Commission.

- VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and Group on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

**FOR THE COMMISSION:**

Robert Y. Watada, Executive Director

By: \_\_\_\_\_

Date: \_\_\_\_\_

**FOR THE RESPONDENT(S)**

James I. Nishimoto

By: \_\_\_\_\_

(Name)

(Title)

Date: \_\_\_\_\_